

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

JAPAN DISPLAY INC.,

Plaintiff,

v.

**TIANMA MICROELECTRONICS CO.
LTD.,**

Defendant.

CIVIL ACTION NO. 2:20-cv-00285-JRG

JURY TRIAL DEMANDED

**UNOPPOSED MOTION TO WITHDRAW PREVIOUSLY FILED RETURN OF
SERVICE FORM AND SUBSTITUTE ATTACHED WAIVER OF SERVICE FORM**

Plaintiff Japan Display Inc. (“JDI” or “Plaintiff”) moves to withdraw the previously filed Return of Summons in a Civil Action form (Dkt. No. 9) and substitute the attached Waiver of the Service of Summons form pursuant to Rule 4 of the Federal Rules of Civil Procedure.

Plaintiff’s previous attempted service on September 3, 2020, was made on Tianma America, Inc., rather than Defendant Tianma Microelectronics Co. Ltd. (“Tianma”), which is a foreign corporation located outside the United States. Tianma’s representative contacted Plaintiff’s counsel and indicated disagreement with the attempted service via Tianma America, Inc., but agreed to waive service on Tianma in exchange for a 90-day extension of the date for filing a responsive pleading pursuant to Federal Rule of Civil Procedure 4(d)(3).

Accordingly, Plaintiff respectfully requests that the Court disregard the previously filed Return of Summons in a Civil Action (Dkt. No. 9) and accept the attached Waiver of Service form. Plaintiff respectfully requests that the court set December 21, 2020, as the date for Tianma’s responsive pleading (90 days from September 21, 2020). Plaintiff has contacted Tianma’s authorized representative, who indicated Tianma does not oppose this motion. Plaintiff does not

make this motion for purpose of delay, but for good cause such that the Court is not burdened with a procedural dispute.

Dated: September 22, 2020

Respectfully submitted,

/s/ Eric J. Klein

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**COUNSEL FOR PLAINTIFF JAPAN
DISPLAY INC.**

CERTIFICATE OF SERVICE

I hereby certify that on September 22, 2020, a true and correct copy of the foregoing document was electronically filed in compliance with Local Rule CV-5(a) and was served on all counsel who are deemed to have consented to electronic service, per Local Rule CV-5(a)(3), and on opposing counsel via email, per Local Rule CV-5(d), at:

James R. Barney
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/s/ Eric J. Klein

Eric J. Klein